

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8641 WO GEB-AL	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/006305	International filing date (day/month/year) 11.06.2004	Priority date (day/month/year) 08.07.2003
International Patent Classification (IPC) or national classification and IPC B60K11/02, B60K7/00		
Applicant ZF FRIEDRICHSHAFEN AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p style="margin-left: 20px;"> <input type="checkbox"/> international search (Rule 12.3 and 23.1(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3) </p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p style="margin-left: 20px;">pages <u>1-5</u> _____ as originally filed/furnished</p> <p style="margin-left: 20px;">pages* _____ received by this Authority on _____</p> <p style="margin-left: 20px;">pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p style="margin-left: 20px;">nos. _____ as originally filed/furnished</p> <p style="margin-left: 20px;">nos.* _____ as amended (together with any statement) under Article 19</p> <p style="margin-left: 20px;">nos.* <u>1-6</u> _____ received by this Authority on <u>06.11.2004 with letter of 04.11.2004</u></p> <p style="margin-left: 20px;">nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p style="margin-left: 20px;">sheets <u>1/2-2/2</u> _____ as originally filed/furnished</p> <p style="margin-left: 20px;">sheets* _____ received by this Authority on _____</p> <p style="margin-left: 20px;">sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p style="margin-left: 20px;"><input type="checkbox"/> the description, pages _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the claims, nos. _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the drawings, sheets/figs _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the sequence listing (specify): _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p style="margin-left: 20px;"><input type="checkbox"/> the description, pages _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the claims, nos. _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the drawings, sheets/figs _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the sequence listing (specify): _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/006305

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 1-6

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. 1-6 are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☒ See Supplemental Box for further details.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- 1 Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- 1 The expression "in the area" used in claim 1 is vague and unclear and leaves the reader uncertain as to the meaning of the technical feature in question. As a result, the subject matter of said claim is not clearly defined (PCT Article 6).

Further, it follows from the description (page 3, line 31 to page 4, line 1) that the following feature is necessary for the definition of the invention:

in the hub carrier (12) of the wheel head (2) the coolant is guided directly into an annular coolant channel (10) provided inside the wheel bearings (5) *according to the invention*.

Since independent claim 1 does not contain this feature, it does not meet the requirement of PCT Article 6 in conjunction with PCT Rule 6.3(b) that each independent claim should contain all the technical features needed to define the invention.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box III**Non-establishment of opinion with regard to novelty,
inventive step and industrial applicability**

- 1 The new claims 1-6 submitted to the International Bureau under PCT Article 19(1) introduce substantive matter which, contrary to PCT Article 19(2), goes beyond the disclosure in the international application as filed. The present objection concerns the wording "a coolant channel (10) is arranged in the area of the wheel bearings (5)" in the characterizing part of the new claim 1. This wording does not follow from the description, which shows instead that coolant is supplied inside the wheel bearings and a coolant channel (12) is provided in a hub carrier (12) of the wheel head (2). However, the wording "in the area" broadens the claim to comprehend the area "outside" as well as that "inside". This cannot simply be inferred from the description.